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C O N F I D E N T I A L SECTION 01 OF 02 MANAGUA 002696

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [NU](#)

SUBJECT: CONTROVERSIAL ASSEMBLY REFORMS SENT TO PRESIDENT,
ALTHOUGH NEW ASSEMBLY MAY MODIFY

REF: A. MANAGUA 2673

[B](#). MANAGUA 2652

[C](#). MANAGUA 2646

Classified By: Ambassador Paul Trivelli for reasons 1.4 (b and d)

[1](#). (C) Summary: According to present and future National Assembly deputy for the Nicaraguan Liberal Alliance (ALN) Maria Eugenia Sequeira, the Assembly's controversial ways and means bill has been sent to President Bolanos for signing, but will likely face a veto, giving the new Assembly a chance to further modify the legislation. Certain articles granting the Assembly the power to summon private citizens and approve its own budget are inconsistent with the constitution, stated Sequeira and the reforms in general are designed to strengthen the shared political dominance of the Sandinista Front (FSLN) and Liberal Constitutional Party (PLC). Various civil society leaders publicly support Sequeira's analysis and have urged the President to ignore or veto the bill. End Summary.

[2](#). (C) Poloff met with ALN deputy Maria Eugenia Sequeira on December 14 to discuss the final version of the National Assembly's "Organic Law" that was sent to President Bolanos for signature on December 8. Sequeira commented that she was able to work with certain "perturbed" PLC deputies (who were not re-elected and feel betrayed by the party) to modify some of its most objectionable articles. In addition, the FSLN voted with the ALN to remove an article that would have facilitated an amnesty vote for convicted ex-President and PLC leader Arnoldo Aleman (reftels). Nevertheless, the bill still contains several provisions that Sequeira deems "unconstitutional and anti-democratic."

[3](#). (C) Sequeira highlighted the following articles for poloff:

- Weakening the Authority of the Executive Board (Article 7): The deputies may convoke a special session of the Assembly with a majority vote (increased from a one-third vote). If the Executive Board does not respond in 15 days, the deputies may convoke a session without the Executive Board. (Note: In the past, minority parties have been able to use the Executive Board to block objectionable votes, including amnesty bills. End Note.)

- Assembly May Approve Own Budget (Article 12): The reforms stipulate that the Assembly may approve its own budget without vetting it through the Executive. Sequeira noted that this provision is blatantly unconstitutional.

- FSLN Caucus Chief May Change the Agenda (Article 39): Over

the objections of the ALN, this article was approved to allow the head of a caucus that represents at least one-third of the deputies (only the FSLN meets this definition) to change the order of the Assembly's daily agenda.

- Assembly May Summon Private Citizens (Article 52): As mentioned in reftels, the Assembly wishes to empower itself (specifically, the commissions) to summon public and private citizens to testify. Sequeira described this provision as a "coup d'etat" by the FSLN and PLC to grant themselves the power to intimidate and prosecute journalists, civil society leaders, business owners, and others as they see fit.

- Assembly Not Required to Reveal Sources (Article 59): Although the commissions would have the power to summon private citizens, the deputies would not be required to reveal their sources of information, according to this article.

¶4. (C) Sequeira agreed that these reforms are clear evidence of a continued pact between the PLC and FSLN and an assault on Nicaraguan democracy. Other articles strengthen the authority of the caucus heads at the expense of the deputies, she explained. Sequeira noted, however, that some in the FSLN seem to be experiencing cold feet over the reforms due to the denunciations of the ALN and pressure from civil society. According to Sequeira, the ALN will urge President Bolanos to veto the bill so that the new Assembly sworn in on January 9 can have a chance to modify its provisions. The ALN will work with the FSLN, which she described as having more "mature" deputies, to try to improve the bill.

¶5. (C) Sequeira raised her personal relationship with FSLN caucus chief Edwin Castro, who is related to her ex-husband and the uncle of her children. She said that Castro is the only member of her ex-husband's family that did not reject her after the divorce due to his close relationship with her children. Sequeira commented that Castro, a "moderate Sandinista" associated with Daniel Ortega's wife Rosario Murillo and FSLN Foreign Affairs Secretary Samuel Santos, may convince Ortega to back away from the more controversial aspects of the bill, which are supported by former intelligence chief Lenin Cerna and other hardliners.

Civil Society Supports ALN Objections

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¶6. (U) Movimiento por Nicaragua (MpN) Executive Committee member Dr. Carlos Tunnerman released an article on December 12 questioning the validity of the reforms. Tunnerman cited a 1992 Supreme Court ruling defining the difference between internal Assembly "regulations," which the Assembly may approve internally, and "laws," which must be sent to the President. Tunnerman argues that the Organic Law reforms are essentially modifications to internal regulations with an article inserted, inappropriately, that would give Assembly commissions the power to summon private citizens. Tunnerman advises the President to refuse to act on the Law and advises the Supreme Court to declare it unconstitutional.

¶7. (SBU) Officials of Hagamos Democracia publicly concurred with Tunnerman's assessment of the Law. Privately, Hagamos analyst Jose Somarriba expressed concern regarding possible political manipulation regarding the reduction of Assembly commissions, the increased powers of the caucus heads relative to regular deputies, and the article stating that the deputies' rights and immunities will not be affected by a state of emergency. Permanent Human Rights Commission (CPDH) executive director Marcos Carmona recently told us that the CPDH is allying with other NGOs to question the constitutionality of the Law.

Comment

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¶8. (C) Pressure from civil society and the ALN coupled with our private objections to the FSLN (Ref A) appear to have caused a reassessment of the bill on the part of the

Sandinistas, who are still eager to reassure the world that they are ardent democrats. We will continue to work with the ALN and civil society groups to maintain pressure on the new Assembly to reform the reforms.

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